

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TARA FARRELL, HENLY VELARDE, and §
DOUGLAS WELLS, individually and on §
behalf of all others similarly situated, §

Plaintiffs, §

v. §

NEW MILLENNIUM CONCEPTS, LTD., §

Defendant. §

Case No. 3:22-cv-00728-M

JOINT REPORT RE: CLASS CERTIFICATION

Plaintiffs Tara Farrell, Henly Velarde, and Douglas Wells (“Plaintiffs”) and Defendant New Millennium Concepts, Ltd. (“Defendant”) (Plaintiffs and Defendant, collectively, the “Parties”) respectfully submit this Joint Report regarding class certification pursuant to the Scheduling Order issued on September 27, 2023 (ECF 69).

Under the current Scheduling Order, the deadline for Plaintiffs to file their class certification motion is January 18, 2024 (*see* ECF 69). On October 13, 2023, Defendant filed a Motion to Strike Class Allegations (ECF 70). Plaintiffs filed their response in opposition on November 4, 2023 (ECF 71). Defendant’s Reply in support thereof is currently due on November 17, 2023. No other motions are currently pending.

Plaintiffs’ Position. Plaintiffs believe that the Court’s ruling on Defendant’s pending motion to strike will have a significant impact on their motion for class certification. In light of the recent motion practice, Plaintiffs request the deadlines related to Plaintiffs’ motion for class certification are held in abeyance until the resolution of Defendant’s pending motion to strike, or

in the alternative, the Court's hearing on the pending motion to strike is held at the same time as the hearing on the forthcoming motion for class certification.

Defendant's Position. Defendant opposes any modification of the Court's September 27, 2023 Scheduling Order. This is the Plaintiffs' second attempt in less than two months to extend their deadlines to seek class certification, and it should be rejected.

Defendant's Motion to Strike is intended to streamline the issues, not extend the process. Plaintiffs ask the Court to make a false choice – shut the case down pending a ruling, or defer consideration of the motion until the class certification hearing. But neither is required, or even appropriate. Defendant's Motion to Strike will be fully briefed on November 17th and ripe for decision at the Court's convenience. Regardless of the Court's ruling, the Plaintiffs will still be seeking to certify a class of some form, and they have no basis to request that their deadlines be extended, again. The Scheduling Order should remain unchanged.

Date: November 9, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2023, I electronically submitted the foregoing documents with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sends a “Notice of Electronic Filing” to all counsel who have consented in writing to accept this Notice as service of this document by electronic means.

Date: November 9, 2023

By: /s/ Katherine A. Bruce
Katherine A. Bruce